

Remarks

The claims were amended in accordance with the amendments above. The amendments to the claims are being made merely to clarify the invention. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

§103 Rejections

In the Office Action dated 06/09/2009, claims 1-9, 16, and 17 were rejected under 35 U.S.C. §103(a) as being obvious over Robert (US 6,511,490) in view of Schockart (EP 608 580 A). Under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the Office must give due consideration to all of the limitations of a claim. Obviousness rejections “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395-97 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). For at least the reasons set forth below, Applicant respectfully submits that the combined art of record fails to render any of the present claims obvious.

Applicant submits that the art of record fails to teach or suggest all of the limitations recited in each independent claim in accordance with MPEP 2143.03. For instance, Applicant notes that amended independent claim 1 recites “the male portion comprises a base extending in the radial direction from the first end portion adjacent to the first circumferential edge of the outer surface, wherein the male portion further comprises a transverse member extending transversely from the base, the transverse member having a free end opposite to the base, wherein the base radially spaces the transverse member apart from the first end portion with a gap such that the male portion and the first end portion together define a U shape.” These limitations, among others recited in amended claim 1, are neither taught nor suggested by the combined art of record. Indeed, to the extent that the combined art of record teaches a male portion, the combined art of record fails to teach a male portion having the combination of structural features noted above. Applicant therefore submits that the combined art of record fails to teach or suggest all of the limitations of amended claim 1 in accordance with MPEP 2143.03.

Accordingly, Applicant respectfully submits that the combined art of record fails to render present claim 1 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

Amended independent claim 16 recites “the male member comprises a base extending in the radial direction from the first end portion adjacent to the first circumferential edge of the outer surface, wherein the male member further comprises a transverse member extending transversely from the base and parallel to the strap height, the transverse member having a free end opposite to the base, wherein the base radially spaces the transverse member apart from the first end portion with a gap such that the male member and the first end portion together define a U shape, wherein the transverse member has a length that is less than the length of the strap height.” These limitations, among others recited in amended claim 16, are neither taught nor suggested by the combined art of record. Again, to the extent that the combined art of record teaches a male portion, the combined art of record fails to teach a male portion having the combination of structural features noted above. Applicant therefore submits that the combined art of record fails to teach or suggest all of the limitations of amended claim 16 in accordance with MPEP 2143.03. Accordingly, Applicant respectfully submits that the combined art of record fails to render present claim 16 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for non-obviousness.

Conclusion

While several distinctions have been noted over the art of record, Applicant notes that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. Applicant expressly reserves all rights and arguments with respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments. To the extent that any particular statement or argument by the Office in the pending Office Action has not been explicitly addressed herein, the same should

not be construed as an acquiescence or admission by the Applicant that such statements or arguments by the Office are accurate or proper.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or arguments made herein, Applicant invites the Examiner to contact the undersigned at (513) 369-4811 or via e-mail at aulmer@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency, including any fees required for an extension of time not already paid for or any other required fees not already paid for, or to credit any overpayment of fees, to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A. B. Ulmer', with a long horizontal flourish extending to the right.

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